

REMARKS

Claims 90-95, 97, 98 and 105-108 are currently pending, of which claims 90 and 105 are in independent form.

Claims 99-102 have been cancelled without prejudice, waiver, limitation or estoppel.

Claims 105-108 stand currently amended.

No new matter is introduced.

Favorable reconsideration and allowance of the present patent application as currently constituted are respectfully requested.

Regarding the Double Patenting Rejections

Base claims 90, 99 and 105 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over a number of issued patents owned by the assignee of the instant patent application. In particular, U.S. Patent Nos. 6,389,457; 6,401,113; and 6,219,694 have been put forth as conflicting relative to the pending base claims.

Applicant appreciates the alleged correspondence set forth in the present Office Action between the pending base claims and the subject matter of the applied claims of the conflicting

reference patents. Without acquiescing in the characterization of the claims of the present patent application or of the allegedly conflicting claims of the reference patents as set forth in the Office Action, Applicant has enclosed herewith appropriate terminal disclaimers in accordance with 37 C.F.R. §1.321. It is therefore respectfully submitted that the pending double patenting rejections have been obviated hereby.

Regarding the Claim Rejections - 35 U.S.C. §101

Claims 105-108 stand rejected under 35 U.S.C. §101 as allegedly being directed to nonstatutory subject matter. Responsive to the comments set forth at paragraphs 7-10 of the pending Office Action, Applicant has appropriately amended claims 105-108.

Regarding the Claim Rejections - 35 U.S.C. §112

Claims 99-102 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Without acquiescing in the characterization of the rejected claims or the specification of the present patent application, Applicant has

cancelled claims 99-102 by way of the present response. Pending \$112 rejections have therefore been rendered moot.

Regarding the Allowable Subject Matter

Applicant appreciates the indication of allowability of claims 90-95, 97 and 98, subject to the pending double patenting rejections. In view of the terminal disclaimers being submitted herewith, it is believed that the patent application as currently constituted is in condition for allowance.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference or of the present claims, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, or the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No request for an extension of the response period is being made. Applicant is filing herewith three terminal disclaimers. Accordingly, applicable fees are being paid via EFS. It is believed that no additional fees are due for the filing of this response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the present embodiments, as now defined by the independent claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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